

REMARKS

Claim 4 stands newly rejected under 35 U.S.C. §103(a) as being unpatentable over US patent No. 7,203,740 (hereinafter referred to as Putzolu) in view of US patent No. 7,359,984 (hereinafter referred to as Hackney). Reconsideration of the rejection and allowance of the pending claim is respectfully requested in view of the following remarks.

M.P.E.P. 2143.03 provides that to establish *prima facie* obviousness of a claimed invention, all the claims limitations must be taught or suggested by the prior art. All words in a claim must be considered for judging the patentability of the claim against the prior art.

Claim 4 is directed to a method for relaying Internet Protocol (IP) packets to an external control component assigned to a network node in a communication network. The communication network has a plurality of network nodes and switching IP packets. The method includes receiving an in-band IP signaling packet at an external interface of the network node. The method further includes connecting the external interface to the external control component. The packet is identified based on a protocol field of a header in the packet. A value uniquely assigned to the receiving external interface is inserted into a field of the header or an IP header in the packet. The value is different than another value assigned to a non-receiving external interface of the network node. The packet is identified as an RSVP (Resource Reservation Protocol) type of packet. A DSCP (Differentiated Services Code Point) field in the header of the packet is modified as a function of the receiving external interface. The DSCP field contains the value uniquely assigned to the receiving external interface. The modified packet is routed to the external control component connected to the external interface, and thus relays Internet Protocol (IP) packets to the external control component assigned to the network node.

Putzolu is directed to computer system for allowing proprietary forwarding elements to operate with standard control elements in a network architecture. See Abstract of Putzolu. The Examiner argues that control element 230 is relevant in connection with the present invention. However, as described by Putzolu, and consistent with the key object of Putzolu (i.e., to achieve standardization), the control element of Putzolu is adapted to generate a standardized data set for configuring the forwarding element. See Summary of the Invention of Putzolu. See also Abstract of Putzolu. Conversely, Hackney describes a non-standard use of the DSCP (Differentiated Services Code Point field), such as for quality of services (QoS) or other management service

processing. This is different than the standard use of DSCP. Accordingly, the proposed combination of Putzolu (control element that generates a standardized data set) and Hackney (describing a non-standard use of the DSCP field) does not meet the requirements of M.P.E.P. 2143.01 VI, requiring that the proposed modification cannot change the principle of operation of a reference. In view of the foregoing considerations, since combining Hackney with Putzolu would change the principle of operation of Putzolu, it follows that the teachings of the combination of Putzolu and Hackney are not sufficient to render the claim *prima facie* obvious and the 103 rejections should be withdrawn.

Conclusion

It is respectfully submitted that the claim pending in this application recites patentable subject matter, and it is further submitted that such a claim complies with all statutory requirements and thus such claim should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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